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Telford, 89 Tenn. 293; *Chouteau v. Mo. Pac. Ry. Co.*, 122 Mo. 375. But this is evidently an improper use of terms. LEWIS, EM. DOM. § 596. That more than an easement is obtained and that ejectment will lie, see *Currie v. Transit Co.* (N. J.) 58 Atl. 308; *Aden v. District No. 3*, 97 Ill. App. 347; *Ry. Co. v. Holton*, 32 Vt. 43; *Chaplin v. Commissioner*, 126 Ill. 264, (Overruling earlier decisions); *T. & C. Ry. Co. v. Alabama Ry. Co.*, 75 Ala. 516; *Gurney v. Elevator Co.*, 63 Minn. 70; *Ry. Co. v. Peet*, 152 Pa. St. 488. In some states a fee is given by statute where the circumstances require such an estate. *State v. Griftnier*, 61 O. St. 201; *Sou. Pac. Ry. Co. v. Burr*, 86 Cal. 279; *N. Pac. Ry. Co. v. Lannon*, 46 Fed. 224.

EQUITY—NAVIGABLE WATERS—OBSTRUCTION—SPECIAL INJURY.—The complainant owned and used a steamboat for the sole purpose of navigating a particular creek. He had entered into a traffic contract with another common carrier and had built up a good business. Defendants (County Commissioners) erected a bridge across the creek, which so obstructed it that complainant's boat could not pass. In a suit to abate the obstruction. *Held*, that equity could not interfere. *Thomas v. Wade* (1904), — Fla. —, 37 So. Rep. 743.

A private person cannot maintain a suit to enjoin or abate a public nuisance unless he shows some injury peculiar and special to himself. COOLEY ON TORTS, 46; *Clark v. Chicago & N. W. Ry. Co.*, 70 Wis. 593, 36 N. W. Rep. 326; *Jarvis v. Santa Clara Ry. Co.*, 52 Cal. 438. By the great weight of authority it is considered that the right of navigation being a public right, any obstruction thereof affects all equally and cannot be abated at the suit of an individual. GOULD ON WATERS, Sec. 172; *Swanson v. Miss. River Boom Co.*, 42 Minn. 532; *Steamboat Co. v. Railroad Co.*, 30 S. C. 539, 4 L. R. A. 209 and note; *Lowndale v. Gray's Harbor Boom Co.*, 117 Fed. Rep. 983. On the other hand it has been held that the owner of a boat used along a definite route, the passage of which is obstructed, suffers a special injury; it being immaterial whether or not others own boats engaged in the same business. *Farmers' Co-operative Mfg. Co. v. Albemarle & Raleigh R. R. Co.*, 117 N. C. 579, 23 S. E. Rep. 43, 29 L. R. A. 700; *Enos v. Hamilton*, 27 Wis. 256 (distinguished in *Clark v. Ry.*, *supra*). See also *Stetson v. Faxon*, 19 Pick. 147. Such cases are to be distinguished from those wherein there is an interference with complainant's right of access to his land. *Glover v. Powell*, 10 N. J. Eq. 211; *Whitehead v. Jessup*, 53 Fed. Rep. 707. The general rule is followed in the present case.

EQUITY—PERSONAL TRESPASS—INJUNCTION.—The defendant threatened to forcibly eject complainant from his rooms and to destroy his furniture. In a suit to enjoin him from so doing, *Held*, that injunction would not lie. *Kredo v. Phelps* (1904), — Cal. —, 78 Pac. Rep. 1044.

No cases are cited in the opinion but the same result is reached as in *Forbes v. Carl* (1904), — Iowa —, 101 N. W. Rep. 100, commented on in 3 MICHIGAN LAW REVIEW, 226. In the principal case the court says: "If an injunction could be granted in this case, there is no reason why it should